



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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LINDA S. ADAMS
SECRETARY FOR
ENVIRONMENTAL PROTECTION

ARNOLD SCHWARZENEGGER
GOVERNOR

Certified Mail: 7000 0600 0027 1155 2758

February 13, 2009

Ms. Charlene Silva
Health Director
San Mateo County Environmental Health
225 - 37th Avenue
San Mateo, California 94403

Dear Ms. Silva:

The California Environmental Protection Agency (Cal/EPA) and Office of Emergency Services conducted a program evaluation of the San Mateo County Environmental Health Certified Unified Program Agency (CUPA) on December 16 and 17, 2008. The evaluation was comprised of an in-office program review, and field oversight inspections, by State evaluators. The evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff. The Summary of Findings includes identified deficiencies, a list of preliminary corrective actions, program observations, program recommendations, and examples of outstanding program implementation.

The enclosed Evaluation Summary of Findings is now considered final and based upon review, I find that San Mateo County Environmental Health's program performance is satisfactory with some improvement. To complete the evaluation process, please submit Deficiency Progress Reports to Cal/EPA that depict your agency's progress towards correcting the identified deficiencies. Please submit your Deficiency Progress Reports to Kareem Taylor every 90 days after the evaluation date. The first deficiency progress report is due on March 17, 2009.

Cal/EPA also noted during this evaluation that San Mateo County Environmental Health has worked to bring about a number of local program innovations including making available household hazardous waste facilities to the public each week. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

Ms. Charlene Silva
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Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,

[Original Signed by Don Johnson]

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosure

cc: Sent via email:

Mr. William Lent
Environmental Health Manager
San Mateo County Environmental Health
2000 Alameda de las Pulgas, Suite 100
San Mateo, California 94403

Mr. Jeff Tkach
Governor's Office of Emergency Services
3650 Schriever Avenue
Mather, California 95655

Mr. Kevin Graves
State Water Resources Control Board
P.O. Box 944212
Sacramento, California 94244-2102

Ms. Terry Brazell
State Water Resources Control Board
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Mr. Charles McLaughlin
Department of Toxic Substances Control
8800 Cal Center Drive
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cc: Sent via email:

Ms. Asha Arora
Department of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, California 94710

Mr. Ben Ho
Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460

Mr. Brian Abeel
Governor's Office of Emergency Services
3650 Schriever Avenue
Mather, California 95655



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Enclosure



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CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS

CUPA: San Mateo County Environmental Health Division

Evaluation Date: December 16 and 17, 2008

EVALUATION TEAM

Cal/EPA: Kareem Taylor

OES: Jeff Tkach

This Evaluation Summary of Findings includes the deficiencies identified during the evaluation, program observations and recommendations, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Kareem Taylor at (916) 327-9557.

	<u>Deficiency</u>	<u>Preliminary Corrective Action</u>
1	<p>The CUPA's FY 2007/2008 Annual Summary Reports contained some incorrect information.</p> <ul style="list-style-type: none">• The Annual Single Fee Summary Report (Report 2) shows that the CUPA's total CalARP stationary sources are 15; however, it also shows that total businesses subject to the CalARP surcharge are 19. There appears to be a typo in the "Counts" section of report 2 for the CalARP program.• The Annual Enforcement Summary Report (Report 4) shows "0" facilities with violations for the business plan and CalARP program elements even though enforcement actions have been implemented. <p>CCR, Title 27, Section 15290 (Cal/EPA)</p>	<p>By February 17, 2009, the CUPA will complete its revised FY 2007/2008 Annual Summary Reports</p> <p>The CUPA will submit a copy to Cal/EPA.</p>
2	<p>The CUPA's Inspection and Enforcement (I and E) plan does not contain a schedule of inspection frequencies for all program elements.</p> <p>CCR, Title 27, Section 15200 (a)(3) (Cal/EPA)</p>	<p>This deficiency was corrected during the evaluation.</p>

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3	<p>The CUPA does not have financial management procedures that includes the following:</p> <ul style="list-style-type: none"> • A single fee system in compliance with Title 27, section 15210; • A fee accountability program in compliance with Title 27, section 15220; and • A surcharge collection and reimbursement program in compliance with Title 27, section 15250. <p>CCR, Title 27, Section 15180 (e)(5) (Cal/EPA)</p>	<p>By March 17, 2009, the CUPA will complete its financial management procedure that is in compliance with Title 27, section 15180 (e)(5).</p> <p>The CUPA will submit a copy to Cal/EPA along with its first progress report.</p>
4	<p>In some cases, the CUPA is not following-up and/or documenting return to compliance (RTC) for businesses cited for violations in their inspection reports and notices of violation. Out of 16 files reviewed by Cal/EPA, 3 files either did not contain documentation of RTC or CUPA follow-up documentation did not contain sufficient detail to determine if all cited violations have been corrected. Below are some examples of businesses cited for violations, but documentation of RTC was either insufficient or not found:</p> <ul style="list-style-type: none"> • San Carlos Service and Tune Up Center – inspected 2-19-08 • D’Garcis Auto Body – inspected 8-27-08 • Machinery and Equipment Co – inspected 9-28-07 <p>Documenting facility RTC and CUPA follow-up actions is required as part of the CUPA’s implementation of its I and E plan. In addition, this information is required for the CUPA’s Annual Summary Reports.</p> <p>HSC, Chapter 6.11, Section 25404.1.2 (c) (Cal/EPA) CCR, Title 27, Section 15200 (a) CCR, Title 27, Section 15185 (a) and (c)</p>	<p>By March 17, 2009, the CUPA will follow-up with businesses cited for violations and document RTC actions. In addition, the CUPA will include the disposition of all previously cited violations (corrected or not) in the reinspection reports.</p> <p>On the first progress report, the CUPA will submit to Cal/EPA an action plan as to how it will promote consistency in its follow-up actions.</p>
5	<p>The CUPA is not requiring all businesses subject to the hazardous materials reporting requirements to annually submit their inventory or certification statement of no-change. 10 of the 17 facility files reviewed did not contain a current annual inventory or annual certification of no change.</p> <p>HSC, Chapter 6.95, Section 25505(d); 25502 (OES)</p>	<p>By March 17, 2009 the CUPA will submit an action plan to Cal/EPA outlining how the CUPA intends to maintain annual inventory certifications among businesses subject to annual inventory requirements. The CUPA will implement the action plan.</p>
6	<p>The CUPA is not requiring all businesses, subject to the hazardous materials business plan to certify and review their business plan every 3 years. 6 of 17 Facility Files reviewed did not have their business plan reviewed</p>	<p>By March 17, 2009, the CUPA will submit an action plan to Cal/EPA outlining how the CUPA intends to maintain business plan review and</p>

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	within the last 3 years. HSC, Chapter 6.95, Section 25505(c); 25502 (OES)	update within the state mandated 3 year period for businesses subject to the Hazardous Materials Business Plan. The CUPA will implement the action plan.
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CUPA Representative

Bill Lent

(Print Name)

Original Signed

(Signature)

Evaluation Team Leader

Kareem Taylor

(Print Name)

Original Signed

(Signature)

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations provided in this section address activities the CUPA are implementing and/or may include areas for continuous improvement not specifically required of the CUPA by regulation or statute.

1. **Observation:** The CUPA's current administrative procedures are included as an element of its self audit. The CUPA also has a copy of its old administrative procedures that were submitted to Cal/EPA in its original application package. The CUPA does not include its administrative procedures into a consolidated standard operating procedures binder.

Recommendation: Cal/EPA recommends that the CUPA include its current administrative procedures into a consolidated standard operating procedures binder. The purpose of the self audit report is to assess the performance of the CUPA's implementation of standards in statutes and regulations. The CUPA may assess its implementation of the administrative procedures in the self audit, but the self audit should not be used as a policies and procedures document.

2. **Observation:** The CUPA is not consistently entering inspection and enforcement information in their Envision database. Specifically, some violations documented in inspection reports have not been entered into the database. RTC of these violations was also not entered.

Recommendation: Cal/EPA recommends that the CUPA enter all inspection and enforcement information in Envision within a short timeframe after completion of inspection reports, enforcement actions, or RTC.

3. **Observation:** The CUPA is not consistently documenting owner/operator consent to inspect on inspection reports. Inspectors sometimes document consent by writing the owner's/operator's name in the consent section of the inspection report; however, inspectors do not document consent to inspect by an owner/operator signature on the inspection report.

Recommendation: Cal/EPA recommends that the before each inspection, the CUPA request that an owner/operator sign their consent to the inspection on the inspection report. Signed consent on the inspection report is important because it strengthens any potential enforcement case against a noncompliant facility. This recommendation is based on the "Inspection Report Writing Guidance for UPA's". This document is can be found at www.calepa.ca.gov/CUPA/Documents/2005/InspectionRpt.pdf.

4. **Observation:** The CUPA is not using the new Annual Summary Reports (3 and 4) and the Unified Program Consolidated Forms.

Recommendation: The CUPA should start using the new forms. The new forms with the instructions are available on the Cal/EPA website at www.calepa.ca.gov.

5. **Observation:** During the facility file review, it was observed that all files contained a site map of the facility; however, several of the maps were rudimentary in nature. Some of the maps contained only simple illustrations of the facility and did not contained enough detail that could be of assistance to first responders.

Recommendation: It is up to the determination of the CUPA in regards to how much detail should be contained in the map; however a more detailed map would better aid first responders. Examples could be

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the location of hazardous material, entrance, egress, directionality, evacuation routes, employee meeting locations, etc.

- 6. Observation:** The CUPA has completed several formal enforcement cases. They implement formal enforcement civilly through the County DA and they utilize AEOs.
- A Consent Order was settled with A-1 Sandwich for \$1000.
 - A civil/criminal case was settled with Larry's Fine Wood Finishing for \$5000 plus cleanup costs and 2 months of jail time. This case was reported in the *Daily Post* newspaper.

Recommendation: none

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EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. The CUPA manager is a member of the CUPA Forum Board and is involved in the planning of many training courses, including the training that takes place at the CUPA Conference.
2. Household hazardous waste facilities are open to the public every week in San Mateo County. The CUPA also distributes to the public a list of companies that provide hazardous waste service.
3. The CUPA combined its used tire and storm water pollution program inspections into the Unified Program inspections. This is a more efficient way to inspect facilities as inspectors do not burden their regulated community with repeated inspection visits for different programs.